C.J,'s Court

Writ Petition (MB) No. 674 of 2001

Harish Kumar Sahni and others **……..** Petitioners

Versus

State of Uttaranchal and others**…….** Respondents

……

Hon. A.A. Desai, C.J.
Hon. M.C. Jain, J.

Heard P.M.N. Singh, learned counsel for the petitioners, at length.

The petitioners earlier filed a petition challenging the cancellation of lease. Undisputedly, the petitioners were transferees from the original lessee. They can not have any better claim or title than the original lessee. The petition was, therefore, dismissed. In the meanwhile, the petitioners filed a review against the said order dated 16.04.2001. The same is pending.

The petitioners filed instant petition is relation to same subject matter of plot, now contending that the action of evicting them from the land is bad in law and, therefore, it needs to be interfered with, we do not agree with the submission and the petition is untenable. Moreover, as observed in our earlier order which is under review that from the documents placed by the Government, the possession has already been taken. We, therefore, dismiss the petition.

Learned Advocate General at this stage made a submission that the writ petition filed by the petitioners is frivolous litigation and is abuse of the process of the Court. He prayed for exemplary costs. Rs. 5000/- are imposed as costs on the petitioners, who shall deposit this amount in this Court within three weeks. In case of failure, the State Government shall recover the same as arrears of land revenue.

Interim order dated 4.7.2001 is vacated.

(A.A. Desai, C.J.) (M.C. Jain, J.)

Dt. 9.7.2001

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